

Message

From: Mancusi-Ungaro, Philip [Mancusi-Ungaro.Philip@epa.gov]
Sent: 3/26/2018 4:19:31 PM
To: Hicks, Matt [Hicks.Matthew@epa.gov]
CC: Ghosh, Mita [Ghosh.Mita@epa.gov]
Subject: Re: Assumption Timeline

Thanks Matt, we did look into that issue before. When the administration wanted our involvement in the phosphorus rulemaking, during the bush 2 years, Gail Mitchell and I made monthly trips to attend the rulemaking so I could answer questions as needed. We did not find any impediment to doing it. It was similar to us commenting on state legislation which we do when asked through the regional counsel.

Phil

Sent from my iPhone

On Mar 26, 2018, at 12:07 PM, Hicks, Matt <Hicks.Matthew@epa.gov> wrote:

Thanks Phil.

Background on my email to Leif:

Ex. 5 AC/DP

From: Mancusi-Ungaro, Philip
Sent: Monday, March 26, 2018 11:42 AM
To: Hicks, Matt <Hicks.Matthew@epa.gov>
Cc: Palmer, Leif <Palmer.Leif@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>
Subject: Re: Assumption Timeline

I would also add that trey has indicated he thinks we need to see the package by July 1st.

Sent from my iPhone

On Mar 26, 2018, at 10:46 AM, Hicks, Matt <Hicks.Matthew@epa.gov> wrote:

Leif,

As I mentioned, Aug. 1, 2018, is the deadline that FDEP has set for submitting their CWA 404 assumption package to EPA. Pursuant to the 404 assumption regs at 40 CFR 233.15, EPA has 120 days to review and approve/disapprove of the State 404 program and that 120 day clock does not start until we receive a complete package from the state that

includes: (1) a letter from the Governor requesting program approval; (2) a complete program description; (3) an Attorney General's statement; (4) an MOA with the RA setting forth state and federal responsibilities for administering the program; (5) an MOA with the Corps detailing what waters are retained by the Corps; (6) and all applicable state statutes and regulations governing their program. Two main issues that could impact the Aug. 1st deadline are the "what waters are retained" issue (a/k/a, "assumable waters" issue) and the state rulemaking process.

Attached are Gantt charts that the program has put together that detail the estimated schedule for FDEP submitting their package to EPA and the estimated schedule for EPA's review of the state's submittal once received. The charts are a little out of date and will need to be updated to reflect recent events (e.g., the Governor signing the 404 assumption legislation).

Please call with questions.

Thanks,

Matt
2-9670

<Gantt_Florida404Assumption_20180320_RelevantExpanded.pdf>

<Gantt_FL404ProgramSubmissionReview_20180314-TitlesVisible.pdf>